

## REMARKS/ARGUMENTS

Claims 1 – 6 and 8 - 19 are pending in this application.

The Examiner is thanked for the indication that claim 9 would be allowable. In conformity therewith, a new claim 15 is being submitted herewith that incorporates the features of claim 9 and intervening claim 7. However, Applicants respectfully submit that the features of original claim 9 are not necessary in order to patentably distinguish the valve drive mechanism of the present application from the cited references. Thus, Applicants have also amended claim 1 to incorporate therein only the features of original claim 7, namely that the rocker arm 10 is a shaped part having lateral longitudinal walls 28, at least one of which forms the arresting portion 31 of the rotation preventing element 30.

With regard to the combination of original claims 1 and 7, as now contained in amended claim 1, the Examiner has rejected, among others, claim 7 under 35 USC 103(a) over Clancy in view of van Schaik. However, Applicants respectfully submit that Van Schaik does not form a rotation preventing element between the side or lateral wall of the rocker arm and the bolt head of the adjustment device. However, this is exactly what is required by Applicants' valve drive mechanism as defined in amended claim 1. In particular, the Examiner's attention is respectfully directed to the embodiment illustrated in Fig. 4, which shows a rotation preventing mechanism as defined in amended claim 1. In this embodiment, the longitudinal wall 28 of the rocker arm 10 is disposed in such a way that it rests against a multi-sided surface of the bolt head 22, thus preventing the bolt head from rotating. This aspect is now incorporated into

amended claim 1 from original claim 7, according to which at least one of the lateral longitudinal walls 28 forms the arresting portion 31 of the rotation preventing element 30, wherein the arresting portion 31 engages the bolt head 22 and prevents it from rotating.

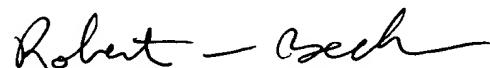
Van Schaik, in Fig. 4, shows a rocker arm 18 as a shaped part having longitudinal walls. However, the positioning or lock nut 58 is not secured by the longitudinal walls of the rocker arm 18. It is furthermore respectfully submitted that the Examiner's citations regarding Figs. 5 and 11, and the accompanying text of the van Schaik specification, merely disclose that the bearing race 100 has a substantially semi-spherical shaped body 106 and recess 72 that is sized to receive the nut 58 therein so as to couple the race 100 to the nut 58 against relative rotation (see column 4, lines 23 – 34). The Examiner's attention is also directed to column 7, lines 44 – 47, wherein it is stated for the embodiment of Fig. 11 that the race 100 is welded to the nut 58, thus fixing the race 100 against rotation relative to the nut 58. From the foregoing, it can be seen that it is the race 100 that is prevented from rotating relative to the nut 58. However, there is no provision for securing the nut 58 itself against rotation. Rather, when a force acts upon the nut 58, this nut, together with the race 100, rotate, which can lead to an unintentional and undesired adjustment of the valve drive.

Thus, it can be seen that van Schaik in fact provides no engagement of the longitudinal wall (Applicants' arresting portion) of the rocker arm 18 with the nut 58 to thereby prevent the nut 58 from rotating, all as required by Applicants amended claim 1. To further clarify the distinction between van Schaik and the rotation preventing element

of Applicants' valve drive mechanism, attached are colored drawings of Figs. 6, 11 and 12 of van Schaik, from which it can be clearly seen that the nut 58 is in no way secured or engaged by the longitudinal sides of the rocker arm 18. As a matter of fact, in column 5 of van Schaik, lines 13 – 17, it is clearly stated that by reason of the balls 104 of the ring bearing 102, frictional forces arising between the rocker arm 18 and the stud 44, on which the nut 58 is placed, are reduced. Thus, van Schaik actually teaches away from Applicants' arresting portion 31 that engages the bolt head 22.

In view of the foregoing discussion, Applicants respectfully request reconsideration of the claims, as amended, of the present application. In addition, Applicants request that the non-elected claims 2 – 4, 10 –12 and 14 now be reconsidered. In other respects, Applicants have attempted to be fully responsive to the outstanding Office Action. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss any outstanding issues and to expedite placement of the application into condition for allowance.

Respectfully Submitted,



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Application No 09/945,230  
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Reply to Office Action of October 21, 2003  
Appendix - 1 sheet of drawings  
US 5,190,000 for Examiner's reference

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FIG. 6.

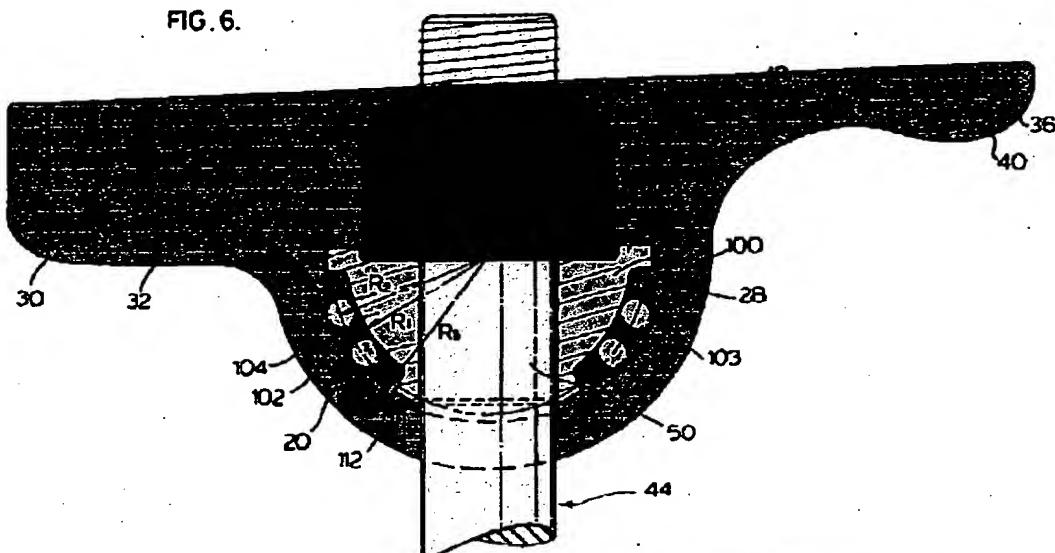


FIG.11.

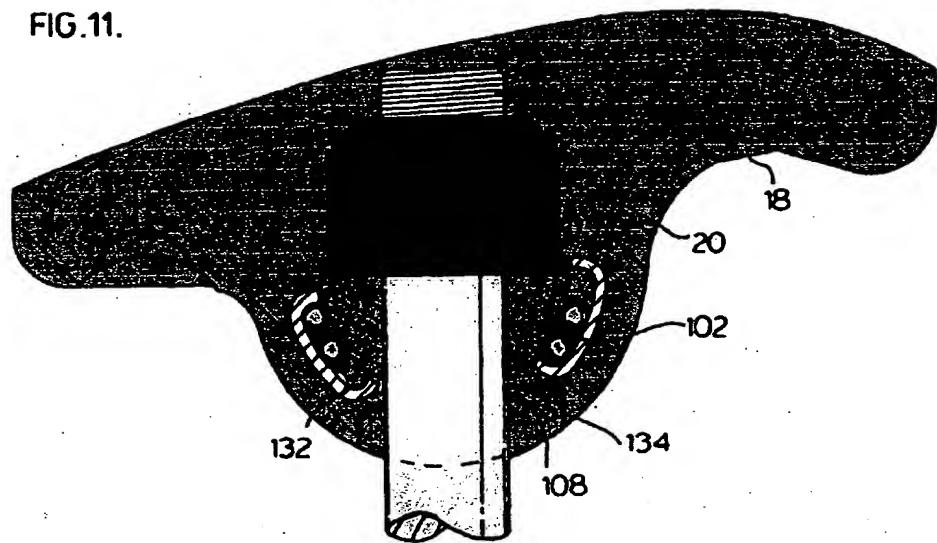


FIG.12.

